The New-Orleans Bee.

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OFFICIAL.

LOUISIANA LEGISLATURE.

SIXTEENTH LEGISLATURE—FIRST SESSION.

JOURNAL OF THE SENATE.

FRIDAY, 10TH FEBRUARY, 1843.

The Senate met agreeably to adjournment.

Members present—Messrs. Felix Garcia, President; Armant, Bossier, Bernard, Carter, Dupré, Downs, Davidson, Hus, Lacoste, Sparrow, Thibodaux, Walker and Waguespack—11.

After calling the names of the Senators present, and before reading the journal, Mr. Carter offered the following resolution, which was unanimously adopted and the Secretary was directed to inform the House thereof:

Resolved by the Senate of the State of Louisiana, that in consequence of the death of the Honorable Robert W. Walker, one of the Representatives from the Parish of East Feliciana, in the House of Representatives of the State of Louisiana, on Saturday morning, the 11th instant, that the Senate will not sit again until Tuesday morning, at 11 o'clock, A. M.,—and that the members of the Senate will, as a testimony of regard to the memory of the said Robert W. Walker, wear crape on the left arm for the space of thirty days.

HOUSE OF REPRESENTATIVES.

THURSDAY, 9TH FEBRUARY, 1843.

The House met agreeably to adjournment.

Mr. Bordelon laid before the House the memorial of sundry citizens of the Parish of Calcasieu, relative to the location of the Court House of said Parish.

Mr. Prescott also laid before the House the memorial of sundry citizens of the same Parish, relative to the same subject.

On motion, said petitions were referred to a Special Committee of three members.

The Speaker appointed Messrs. Bordelon, Voorhies and Prescott on said committee.

Mr. Fortson laid before the House the memorial of B. B. Smith, praying to be paid for medical services rendered to certain prisoners confined in the jail of Caddo.

On motion, said petition was referred to the Committee on Claims.

Mr. Voorhies, on behalf of the Committee of Enrollments, reported as duly enrolled the following resolution:

Resolution, requesting the Governor to deliver the proper credentials to A. Porter, Senator elect to Congress.

The Speaker having signed the same, the Clerk was directed to request the signature of the President of the Senate thereto.

Mr. Newport, in behalf of the Joint Committee of both Houses to visit the Penitentiary, submitted a written report, accompanied with a bill entitled:

An act for the relief of the Penitentiary;

The Joint Committee of both Houses of the Legislature, appointed to visit the Penitentiary, beg leave to Report:

That they have carefully and minutely examined the accounts and abstracts of disbursements of the Penitentiary, as submitted to them, and found them substantially sustained by the vouchers exhibited, copies of all which accompany this report.

On the 1st January, 1842, the cash balances on hand was $2,896 59

The actual cash receipts at the Penitentiary 24,910 68

Amount received from State Treasurer on account of appropriations 20,075 00

Total cash receipts $57,882 57

The disbursements for the year, actually paid out, are as follows:

For subsistence of convicts, pay of officers and guards to 31st March last, including sum due for 1841 ..... $9,091 49 / 13,391 63

For building materials 480 40

materials for cloth factory 8,199 61

engine and machinery on act 1,678 30

materials, contingencies, &c. 22,491 39 / 56,772 98

Leaving on hand a cash balance on 1st January, 1843, of $2,140 59

And such a view of more clearly showing to the Legislature the real assets of the institution for the year 1842, the Committee respectfully submit the following statement:

The cash receipts, as above detailed, $57,882 57

Articles of clothing furnished prison, 1,950 00

Amount of additional for articles on hand 22,509 96

Stock of raw materials and tools in use 10,648 48

Stock of goods on hand 3,720 18

Balance due the Institution by the State 92,495 00

$189,546 57

And the following will show the expenditures of the Institution for the year 1842, exclusive of articles furnished from the labor of the convicts, for the use of the prison:

Cash expenditures, as previously detailed, $56,732 98

Probable sum due to individuals for provisions, machinery, &c. 10,000 00

ue to officers and guards from 1st April, 1842, ... 13,955 00

Making a total of 867,987 98

And showing a difference in favor of the Penitentiary of $53,570 54, which if collected would place the institution above water, but of this latter amount the sum of about three thousand dollars, due by individuals, is considered as lost, and can never be collected—which, with the additional sum of $9,920 38 (the amount of clothing furnished the prison,) together with the stock of raw materials and the tools in use, amounting to the sum of $16,529 46, makes in the aggregate the sum of $21,759 84—which is to be deducted, and leaving, when realized, to the Penitentiary a balance in its favor of $31,825 73.

From the facts exhibited it will be perceived that the institution, with a considerable surplus, is nevertheless at this time unable to meet its engagements, and, worse than all, is the deplorable fact, that the officers and guards have received nothing in the way of compensation since the first of April last. It is known to some of the Committee, that many of those persons employed, there depend solely upon their salary for support—three of whom have families, and have been compelled to the great sacrifice to procure the necessaries of life; and whilst it is common, and perhaps proper, to talk of economy and retrenchment, it will not also just to place it in their power to carry out so excellent a maxim? If the guard in the Penitentiary is from necessity compelled to anticipate his salary, already small, for six or nine months, the extortions which he is compelled to submit to necessarily reduces his earnings one-half, whilst the duties required of him is not in the least lessened. This the Committee deem to be unjust, and therefore recommend that hereafter the State Treasurer shall pay, out of the first moneys received into the Treasury, as they become due, the appropriations made by law for the Penitentiary, in preference to any other.

In addition to the above, there is another reason which induces the Committee to urge the necessity of the prompt payment of the appropriations to the Penitentiary. By reference to the report of the Committee of Inspectors, it will be seen that the institution has sustained a heavy loss from having been compelled to make an onerous contract for the subsistence of the prisoners. The loss of this item alone, the Inspectors estimate, for the last six months, to amount to 12 or $1500, and it is apprehended that they will have to submit to a still greater sacrifice during the present year, unless the appropriations are more punctually paid.

The following list will show the number of officers and guards employed in the Penitentiary, and the salaries of each, viz:

One Warden (first officer)	$2,400	per annum.
One Captain of the Guards,	1,560	do
One Clerk,	1,200	do
One Physician,	400	do
Four Assistant Wardens,	45	per month each,
Twenty-two Guards,	20	do do
One rowser,	25	do do

The Committee have carefully examined into the duties required to be performed by the officers and Guards of the Penitentiary, with a view, if possible, to propose a reduction in their numbers, and the Committee have satisfied themselves that it cannot be done without impairing the efficiency of the institution. On the first of January last there were 206 convicts confined in the Penitentiary, and although the law authorizes the employment of thirty guards, only twenty-two have been employed. Distributed as they are in the discharge of their duties all over the premises, it requires them to use the greatest vigilance to check in a moment any improper movement on the part of the convicts; hence the Committee have thought that the present number would not safely be reduced.

Retrenchment being essentially important in all our expenditures, the Committee find that in order to conform to the present state of the times, and straightened condition of our finances, a reduction in the salaries of some of the higher grades of officers attached to that institution ought to be made, and with a view to that object a bill will be presented.

The annual appropriations by law for the maintainance and support of convicts is $10,000

For pay of officers and guards, ... 15,580

Total of appropriations $25,580

The articles manufactured during the year 1842 amount to $36,697 39; as follows:

Of cotton and woollen goods,	$17,101 45
Of shoes of every description,	5,744 85
Of wheelwright, cabinet, carpenters, coopers, blacksmith, founders, &c.	13,848 09
	$36,697 39

By the above statement it will be seen, that of the articles manufactured in the Institution, those of cotton and wool are nearly equal to all the others, amounting for the year 1842 to the sum of $17,101 45, whilst all the other branches together only produced the sum of $19,592 94.

And as the convicts are fast acquiring such a knowledge of the work, as will enable them to go on with greater facility in that branch of labor, even with the present machinery, an increase in that department is confidently expected.

The Committee feel proud in being able to state, that upon information received from the officers of the institution, the manufacture of cotton and woollen goods has yielded, during the last year, a profit of thirty per cent.—the maintenance of the convicts being estimated at 40 cents per day, Sundays included. Forty-three convicts are at present employed in the factory, and with the engine producing upwards of cloth per week.

Having adverted to the profits which the manufacturing business is capable of yielding, the Committee feel again the importance of urging upon the Legislature, the necessity of making a sufficient appropriation for the purchase of additional machinery. The steam engine at present in operation is said to be capable of driving at least 14 or 1500 spindles, in addition to the 720 which are now worked, and which would produce thread for at least one thousand yards per day, and would give constant employment to upwards of one hundred convicts—sixty or eighty of whom, it is said, have been, during the last year, unprofitably employed.

It will no doubt be urged as an objection to any appropriation for that object, that the present embarrassed state of the treasury must preclude the possibility of any relief from that quarter; but with due deference to those who maintain that position, the committee think that argument conclusive, in support of the proposition, which they have felt themselves imperiously constrained to urge. It has already been shown that the manufacture of cloth from cotton and wool is profitable, and the demand for goods so great that the institution is unable to supply it. That it is the only branch of labor calculated to give employment to a large number of convicts, and less obnoxious to the objection so often with truth and propriety urged, that the State should in no case come into competition with the industrious portion of its citizens.

Withdrawing, then, so large a portion of the convicts from other branches, and placing them in the factory, would in a great measure at once relieve the community from any dread of improper interference on the part of the institution against the mechanical industry in the place, whilst at the same time the State would have a greater pecuniary benefit (experience) that in about three years more the Penitentiary would no longer be a burthen upon the Treasury.

The Committee again suggest, most respectfully, the necessity of making some legislative provision permitting convicts, in criminal prosecutions, to testify against each other. The safety of the institution demand that such an enactment should be passed.—None will for a moment presume, that a convict will make a confidant of his keepers, and should it be discovered that revolt or any other crime is intended, or perpetrated, punishment could then be inflicted on the guilty.

The infliction of corporeal punishment upon the convicts in the Penitentiary is deemed objectionable, and the Committee take this opportunity to recommend to the Inspectors, to substitute in lieu thereof the system of solitary confinement, for a reasonable time, as a punishment to the refractory.

In most of the older States provision has been made inflicting additional punishment on convicts who have been sent a second or more times to the Penitentiary, and although the subject has already been brought before the Legislature, yet no action has been had upon it. In our Penitentiary many convicts have returned a second and third time, without any power in the courts of justice to increase, in such cases, the penalty. Punishment then, exemplary punishment, seems to be the only alternative to check this seeming insatiable desire or propensity to crime.

The Committee, therefore, earnestly recommend the subject to the serious consideration of the Legislature.

Eighty-five convicts were received during the year, being an increase of eleven on the year previous. Sixty-six were discharged during the same time, two were pardoned, and three escaped. The Physician reports that 486 cases of illness occurred during the year, three deaths, two of which by consumption.

Agreeably to the Act of the Legislature, passed at last session, forty convicts of color, both free and slaves, have been delivered over to the Engineer of the State and placed upon the public works.

The Committee report, that the Penitentiary appears to be conducted with great order and cleanliness, and with a due regard to the comfort of the convicts.

All of which is respectfully submitted.

J. BERNARD,
Chairman of the Senate Committee.
R. W. NEWPORT,
Chairman of the House Committee.

Which bill was read for a first time and ordered for a second reading on to-morrow.

On motion, ordered, that said report be printed for the use of the members.

Mr. Bailif, in behalf of the Committee on Claims, to whom was referred the bill, entitled: An act for the relief of Chs. Dauphin, Sheriff of the parish of Plaquemines, reported the same bill without amendment.

The same member, in behalf of the same committee, to whom was referred the Memorial of M. Watson, Sheriff of Caddo, praying for relief, reported unfavorably to said Memorial, and prayed to be discharged from any further consideration on said subject.

On motion, said committee was discharged.

The same member, in behalf of the same committee, to whom was referred the Memorial of A. C. Hinton, praying for some relief—reported by a bill, entitled:

An act for the relief of A. C. Hinton, a citizen of the Republic of Texas.

Which was read for the first time, and ordered for a second reading on to-morrow.

Mr. Claiborne, in behalf of a Select Committee, to whom was referred the bill entitled:

An act to amend an act, entitled An act to incorporate the Faculty of the Medical College of Louisiana, and the Medical College of Orleans;

Reported the same with amendments.

Mr. Hutson gave notice that he will shortly introduce a bill entitled:

An act for the relief of the Merchants Exchange Company.

Mr. Fortson, having obtained the dispensation of the rules, introduced, without previous notice, the bill entitled:

An act to provide for assessing the taxes of the State;

Which was read for the first time, and, on motion, referred to a special committee of five members.

The Speaker appointed Messrs. Fortson, Briant, Allen, Hunt and Brewer, on said committee.

Mr. Clark, agreeably to previous notice, introduced the bill entitled:

An act for the relief of R. B. Brashear;

Which was read for the first time, and ordered for a second reading on to-morrow.

Mr. Prescott, agreeably to previous notice, introduced the bill entitled:

An act to improve the navigation of Bayou Bœuf, and providing for the maintenance of the same;

Which was read for the first time, and ordered for a second reading on to-morrow.

Mr. Culbertson, agreeably to previous notice, introduced the following bills, entitled:

An act to amend or explain the 14th section of an act entitled an act to organize the City Court of New Orleans, approved 19th February, 1825; and an act to amend articles 2, 3 and 4 of the Civil Code;

Which were read for the first time by the titles only, and on motion, referred to the Judiciary Committee.

Mr. Briant, agreeably to previous notice, introduced the following bills, entitled:

An act to amend an act supplementary to an act, entitled an act to establish a Recorder of Mortgages in and for the parish of Natchitoches, approved March 2d, 1841; and

An act to amend an act entitled an act to retrench the expenses of the State of Louisiana, and to reduce the salaries and emoluments of certain officers, approved March 4th, 1842;

Which were read for the first time and ordered for a second reading on to-morrow.

Mr. Orr gave notice that he will shortly introduce the following bill, entitled:

An act making the clerk of the District Court of the Parish of Jefferson, ex officio clerk of the Probate Court of said parish; also,

An act to amend article 620 of the Code of Practice.

Mr. Boudousquié, on behalf of the committee to whom was referred the contested election of the delegation of Orleans, submitted a written report, accompanied with the following joint resolutions:

Resolved, That J. F. Benjamin, G. Musson, P. N. Ogden, A. Ledoux, S. D. McNeil, A. Delhomme, R. Hunt, J. Culbertson, W. C. C. Claiborne and G. K. Rhodges were each of them at the July election, for the year 1842, duly elected members of the Legislature of the State of Louisiana, from the Parish of Orleans.

Mr. Benjamin gave notice that he will shortly introduce the bill entitled:

An act to extend the duties of the Recorder of Births and Deaths for the Parish and City of New Orleans.

The Speaker laid before the House a communication of G. T. Dubuc, State Engineer, accompanied with a report, called for by virtue of a resolution of this House, relative to the surveys made of Raccourci Bend, and the probable cost of making a cut-off across the point opposite said bend.

On motion, said report was referred to a Special Committee of five, and ordered to be printed;

The Speaker appointed Messrs. Phelps, Robertson, Brashear, Clark and Briant on said Committee.

The rules having been dispensed with, Mr. Taylor offered the following resolution:

Resolved, That the report of the Special Committee on contested elections in the special order of the day for monday next, and that the contesting parties be heard at the bar of this House, on that day, in person or by council, and said report be ordered to be printed.

During the discussion of the same, Mr. Wadsworth offered the following substitute, which reads as follows:

Resolved, &c. That the contesting parties shall have a right to appear by one counsel, who shall be heard at the bar of the House, and shall be allowed to state his views of the evidence laid before the Committee, and the law applicable to the case, and who after making such statement shall withdraw; after which the subject will be discussed and decided upon by the House.

Mr. Boudousquié moved to lay said substitute on the table, and on the adoption of said motion, the same member called for the yeas and nays, when it appeared that Messrs. Allen, Briant, Bourgeois, Blanchard, Boudousquié, Bradford, Brewer, Brunot, Clark, Claiborne, Edwards, Foley, Gander, Garrigues, Guilbeau, Heath, King, Nicholls, Newport, O'Bryan, Orr, Perkins, Phelps, Rathé, Robertson, Rodgers, Taylor, Thibodeaux, Lafourche; Voorhies and Winchester, had voted in the affirmative—24 ayes; and that Messrs. Bayliss, Beckham, Bordelon, Brewer, Fortson, McGee, Morgan, Selby, Wadsworth and Wilson, had voted in the negative—10 nays. Said substitute was consequently laid on the table. During the discussion, it being one o'clock, on motion, ordered, that the House take up the order of the day.

ORDER OF THE DAY.

The House took up for a second reading, the bill entitled:

An act to define the powers of the corporation of the City of New Orleans;

Which had been made the Special Order of the Day for this day;

On motion, the consideration of said bill was postponed to Tuesday next, immediately after the reading of the Journal.

On motion of Mr. Boudousquié, the rules having been dispensed with, the House took up for a second reading the bill entitled:

An act to authorize the administrators of the Charity Hospital to sell the slave Marian, and for other purposes.

The several sections having been adopted, the rules having been dispensed with, for a third reading, on motion, ordered that said bill do pass and retain its title.

The clerk was directed to request the concurrence of the Senate therein.

The rules having been dispensed with, on motion of Mr. Benjamin, the House took up for a second reading the bill entitled:

An act to establish a Court of Errors and Appeals in criminal matters, and for other purposes.

On motion, said bill was laid on the table subject to the call of the House, and ordered to be printed for the use of members.

The rules having been dispensed with, on motion the House took up the bill from the Senate entitled:

An act relative to certain pre-emption claims;

Which was read for the first time, and the rules having been dispensed with, was read a second time and adopted.

The Clerk was directed to request the concurrence of the Senate therein.

Mr. Voorhies, on behalf of the Committee of Enrollment, reported as duly enrolled, the following bills, entitled:

An act to amend an act entitled An act to incorporate the Faculty of the Medical College of Louisiana, and the Medical College of Orleans;

An act to establish election precincts in the Parish of Livingston, and the time of holding elections therein.

An act for the relief of John Kirk.

An act relative to the Recorder of Mortgages in the Parish of St. Landry.

An act granting to Thos. G. Godwin and W. Godwin the privilege of keeping a ferry across the river Sabine, and for other purposes.

An act to amend an act, entitled An act to incorporate the town of Unionville in the Parish of Ascension, approved March 25th, 1840.

An act relative to the Recorder of Mortgages in the Parish of St. Landry.

An act to establish election precincts in the Parish of Livingston, and the time of holding elections therein.

An act for the relief of John Kirk.

An act relative to the Recorder of Mortgages in the Parish of St. Landry.

An act granting to Thos. G. Godwin and W. Godwin the privilege of keeping a ferry across the river Sabine, and for other purposes.

An act to incorporate the town of Unionville, in the Parish of Ascension, approved 25th March, 1840.

An act to repeal the 352d article of the Code of Practice.

An act relative to the property qualifications of members of the Police Jury and assessors in and for the Parish of Calcasieu.

An act to amend an act entitled An act relative to roads and levees, approved 7th February, 1839.

An act relative to the property qualifications of members of Police Jury and Assessors in and for the Parish of Calcasieu;

And to repeal the 352d Article of the Code of Practice.

The Speaker having signed the same, the Clerk was directed to request the signature of the President of the Senate thereto.

The rules having been dispensed with, on motion of Mr. Benjamin, the House took up for a second reading the bills entitled:

An act for the relief of the Parish of Washington;

The same having been adopted as amended, and the rules having been dispensed with for a third reading, on motion, ordered that said bill do pass under the following title:

An act for the relief of the Parish of Washington and for other purposes.

The Clerk was directed to request the concurrence of the Senate therein.

On motion, the rules having been dispensed with, the House took up, for a second reading the bill entitled:

An act relative to the advertisements of judicial sales and mandates;

The several sections having been adopted, and the rules having been dispensed with for a third reading, on motion, ordered that said bill do pass and retain its title.

The Clerk was directed to request the concurrence of the Senate therein.

On motion of Mr. Phelps, the other bill was laid on the table subject to the call of the House.

On motion of Mr. Hunsan, the rules were dispensed with, and the House took up for a second reading the resolution ordering the State Treasurer to pay over to the Treasurer of the School fund of the Parish of Caddo, certain sums of money;

Which was read for the first time by the titles only, and on motion, referred to the Judiciary Committee.

Mr. Briant, agreeably to previous notice, introduced the following bills, entitled:

An act to amend an act supplementary to an act, entitled an act to establish a Recorder of Mortgages in and for the parish of Natchitoches, approved March 2d, 1841; and

An act to amend an act entitled an act to retrench the expenses of the State of Louisiana, and to reduce the salaries and emoluments of certain officers, approved March 4th, 1842;

Which were read for the first time and ordered for a second reading on to-morrow.

Mr. Orr gave notice that he will shortly introduce the following bill, entitled:

An act making the clerk of the District Court of the Parish of Jefferson, ex officio clerk of the Probate Court of said parish; also,

An act to amend article 620 of the Code of Practice.

Mr. Boudousquié, on behalf of the committee to whom was referred the contested election of the delegation of Orleans, submitted a written report, accompanied with the following joint resolutions:

Resolved, That J. F. Benjamin, G. Musson, P. N. Ogden, A. Ledoux, S. D. McNeil, A. Delhomme, R. Hunt, J. Culbertson, W. C. C. Claiborne and G. K. Rhodges were each of them at the July election, for the year 1842, duly elected members of the Legislature of the State of Louisiana, from the Parish of Orleans.

Mr. Benjamin gave notice that he will shortly introduce the bill entitled:

An act to extend the duties of the Recorder of Births and Deaths for the Parish and City of New Orleans.

The Speaker laid before the House a communication of G. T. Dubuc, State Engineer, accompanied with a report, called for by virtue of a resolution of this House, relative to the surveys made of Raccourci Bend, and the probable cost of making a cut-off across the point opposite said bend.

On motion, said report was referred to a Special Committee of five, and ordered to be printed;

The Speaker appointed Messrs. Phelps, Robertson, Brashear, Clark and Briant on said Committee.

The rules having been dispensed with, Mr. Taylor offered the following resolution:

Resolved, That the report of the Special Committee on contested elections in the special order of the day for monday next, and that the contesting parties be heard at the bar of this House, on that day, in person or by council, and said report be ordered to be printed.

During the discussion of the same, Mr. Wadsworth offered the following substitute, which reads as follows:

Resolved, &c. That the contesting parties shall have a right to appear by one counsel, who shall be heard at the bar of the House, and shall be allowed to state his views of the evidence laid before the Committee, and the law applicable to the case, and who after making such statement shall withdraw; after which the subject will be discussed and decided upon by the House.

Mr. Boudousquié moved to lay said substitute on the table, and on the adoption of said motion, the same member called for the yeas and nays, when it appeared that Messrs. Allen, Briant, Bourgeois, Blanchard, Boudousquié, Bradford, Brewer, Brunot, Clark, Claiborne, Edwards, Foley, Gander, Garrigues, Guilbeau, Heath, King, Nicholls, Newport, O'Bryan, Orr, Perkins, Phelps, Rathé, Robertson, Rodgers, Taylor, Thibodeaux, Lafourche; Voorhies and Winchester, had voted in the affirmative—24 ayes; and that Messrs. Bayliss, Beckham, Bordelon, Brewer, Fortson, McGee, Morgan, Selby, Wadsworth and Wilson, had voted in the negative—10 nays. Said substitute was consequently laid on the table. During the discussion, it being one o'clock, on motion, ordered, that the House take up the order of the day.

ORDER OF THE DAY.

The House took up for a second reading, the bill entitled:

An act to define the powers of the corporation of the City of New Orleans;

Which had been made the Special Order of the Day for this day;

On motion, the consideration of said bill was postponed to Tuesday next, immediately after the reading of the Journal.

On motion of Mr. Boudousquié, the rules having been dispensed with, the House took up for a second reading the bill entitled:

An act to authorize the administrators of the Charity Hospital to sell the slave Marian, and for other purposes.

The several sections having been adopted, the rules having been dispensed with, for a third reading, on motion, ordered that said bill do pass and retain its title.

The clerk was directed to request the concurrence of the Senate therein.

The rules having been dispensed with, on motion of Mr. Benjamin, the House took up for a second reading the bill entitled:

An act to establish a Court of Errors and Appeals in criminal matters, and for other purposes.

On motion, said bill was laid on the table subject to the call of the House, and ordered to be printed for the use of members.

The rules having been dispensed with, on motion the House took up the bill from the Senate entitled:

An act relative to certain pre-emption claims;

Which was read for the first time, and the rules having been dispensed with, was read a second time and adopted.

The Clerk was directed to request the concurrence of the Senate therein.

Mr. Bailif, in behalf of the Committee on Claims, to whom was referred the bill, entitled: An act for the relief of Chs. Dauphin, Sheriff of the parish of Plaquemines, reported the same bill without amendment.

The same member, in behalf of the same committee, to whom was referred the Memorial of M. Watson, Sheriff of Caddo, praying for relief, reported unfavorably to said Memorial, and prayed to be discharged from any further consideration on said subject.

On motion, said committee was discharged.

The same member in behalf of the same committee, to whom was referred the Memorial of A. C. Hinton, a citizen of New-Orleans, praying for some relief, submitted the following Report:

The committee to whom was referred the petition of A. C. Hinton, a citizen of New-Orleans, praying for some relief, and memorializing the Legislature for the payment of a negro he alledges he purchased at Sheriff sale at the suit of the State of Louisiana vs. the New Orleans and Nashville Railroad Company and prays leave to submit the following report thereon:

It appears from the evidence submitted to the committee that the petitioner bought a slave named Peter at Sheriff sale on the 20th of August, 1842, on 1, 2 and 3 years credit at the suit of the State of Louisiana vs. the New Orleans and Nashville Railroad Company; the bill of sale as given by the Sheriff appears to be in the ordinary form and of course, carries with it an implied warranties from all the vices and maladies prescribed by law. If the petitioner has any just grounds to claim relief at the hands of the Legislature, he ought but his remedy in Courts of Justice, and this remark applies with still greater force when we consider that none of the notes given by the petitioner have yet become due; therefore the committee report unfavorably and beg leave to be discharged from any further consideration of said petition.

CYRUS RATLIFF,
Chairman of Committee on Claims.

On motion, said committee was discharged.

The same member, in behalf of the same committee, to whom was referred the petition of David Fowler, praying for some relief, reported unfavorably on said petition, and prayed to be discharged from any further consideration of said petition.

On motion, said committee was discharged.

The same member, in behalf of the same committee, to whom was referred the petition of Jas. Bowman, praying for some relief—reported by a bill, entitled:

An act for the relief of A. C. Hinton, a citizen of the Republic of Texas.

Which was read for the first time, and ordered for a second reading on to-morrow.

Mr. Claiborne, in behalf of a Select Committee, to whom was referred the bill entitled:

An act to amend an act, entitled An act to incorporate the Faculty of the Medical College of Louisiana, and the Medical College of Orleans;

Reported the same with amendments.

Mr. Hutson gave notice that he will shortly introduce a bill entitled:

An act for the relief of the Merchants Exchange Company.

Mr. Fortson, having obtained the dispensation of the rules, introduced, without previous notice, the bill entitled:

An act to provide for assessing the taxes of the State;

Which was read for the first time, and, on motion, referred to a special committee of five members.

The Speaker appointed Messrs. Fortson, Briant, Allen, Hunt and Brewer, on said committee.

Mr. Clark, agreeably to previous notice, introduced the bill entitled:

An act for the relief of R. B. Brashear;

Which was read for the first time, and ordered for a second reading on to-morrow.

Mr. Prescott, agreeably to previous notice, introduced the following bills, entitled:

An act to improve the navigation of Bayou Bœuf, and providing for the maintenance of the same;

Which was read for the first time, and ordered for a second reading on to-morrow.

Mr. Culbertson, agreeably to previous notice, introduced the following bills, entitled:

An act to amend or explain the 14th section of an act entitled an act to organize the City Court of New Orleans, approved 19th February, 1825; and an act to amend articles 2, 3 and 4 of the Civil Code;

Which were read for the first time by the titles only, and on motion, referred to the Judiciary Committee.

Mr. Briant, agreeably to previous notice, introduced the following bills, entitled:

An act to amend an act supplementary to an act, entitled an act to establish a Recorder of Mortgages in and for the parish of Natchitoches, approved March 2d, 1841; and

An act to amend an act entitled an act to retrench the expenses of the State of Louisiana, and to reduce the salaries and emoluments of certain officers, approved March 4th, 1842;

Which were read for the first time and ordered for a second reading on to-morrow.

Mr. Orr gave notice that he will shortly introduce the following bill, entitled:

An act making the clerk of the District Court of the Parish of Jefferson, ex officio clerk of the Probate Court of said parish; also,

An act to amend article 620 of the Code of Practice.

Mr. Boudousquié, on behalf of the committee to whom was referred the contested election of the delegation of Orleans, submitted a written report, accompanied with the following joint resolutions:

Resolved, That J. F. Benjamin, G. Musson, P. N. Ogden, A. Ledoux, S. D. McNeil, A. Delhomme, R. Hunt, J. Culbertson, W. C. C. Claiborne and G. K. Rhodges were each of them at the July election, for the year 1842, duly elected members of the Legislature of the State of Louisiana, from the Parish of Orleans.

Mr. Benjamin gave notice that he will shortly introduce the bill entitled:

An act to extend the duties of the Recorder of Births and Deaths for the Parish and City of New Orleans.

The Speaker laid before the House a communication of G. T. Dubuc, State Engineer, accompanied with a report, called for by virtue of a resolution of this House, relative to the surveys made of Raccourci Bend, and the probable cost of making a cut-off across the point opposite said bend.

On motion, said report was referred to a Special Committee of five, and ordered to be printed;

The Speaker appointed Messrs. Phelps, Robertson, Brashear, Clark and Briant on said Committee.

The rules having been dispensed with, Mr. Taylor offered the following resolution:

Resolved, That the report of the Special Committee on contested elections in the special order of the day for monday next, and that the contesting parties be heard at the bar of this House, on that day, in person or by council, and said report be ordered to be printed.

During the discussion of the same, Mr. Wadsworth offered the following substitute, which reads as follows:

Resolved, &c. That the contesting parties shall have a right to appear by one counsel, who shall be heard at the bar of the House, and shall be allowed to state his views of the evidence laid before the Committee, and the law applicable to the case, and who after making such statement shall withdraw; after which the subject will be discussed and decided upon by the House.

Mr. Boudousquié moved to lay said substitute on the table, and on the adoption of said motion, the same member called for the yeas and nays, when it appeared that Messrs. Allen, Briant, Bourgeois, Blanchard, Boudousquié, Bradford, Brewer, Brunot, Clark, Claiborne, Edwards, Foley, Gander, Garrigues, Guilbeau, Heath, King, Nicholls, Newport, O'Bryan, Orr, Perkins, Phelps, Rathé, Robertson, Rodgers, Taylor, Thibodeaux, Lafourche; Voorhies and Winchester, had voted in the affirmative—24 ayes; and that Messrs. Bayliss, Beckham, Bordelon, Brewer, Fortson, McGee, Morgan, Selby, Wadsworth and Wilson, had voted in the negative—10 nays. Said substitute was consequently laid on the table. During the discussion, it being one o'clock, on motion, ordered, that the House take up the order of the day.

ORDER OF THE DAY.

The House took up for a second reading, the bill entitled:

An act to define the powers of the corporation of the City of New Orleans;

Which had been made the Special Order of the Day for this day;

On motion, the consideration of said bill was postponed to Tuesday next, immediately after the reading of the Journal.

On motion of Mr. Boudousquié, the rules having been dispensed with, the House took up for a second reading the bill entitled:

An act to authorize the administrators of the Charity Hospital to sell the slave Marian, and for other purposes.

The several sections having been adopted, the rules having been dispensed with, for a third reading, on motion, ordered that said bill do pass and retain its title.

The clerk was directed to request the concurrence of the Senate therein.

The rules having been dispensed with, on motion of Mr. Benjamin, the House took up for a second reading the bill entitled:

An act to establish a Court of Errors and Appeals in criminal matters, and for other purposes.

On motion, said bill was laid on the table subject to the call of the House, and ordered to be printed for the use of members.

The rules having been dispensed with, on motion the House took up the bill from the Senate entitled:

An act relative to certain pre-emption claims;

Which was read for the first time, and the rules having been dispensed with, was read a second time and adopted.

The Clerk was directed to request the concurrence of the Senate therein.

Mr. Bailif, in behalf of the Committee on Claims, to whom was referred the bill, entitled: An act for the relief of Chs. Dauphin, Sheriff of the parish of Plaquemines, reported the same bill without amendment.

The same member, in behalf of the same committee, to whom was referred the Memorial of M. Watson, Sheriff of Caddo, praying for relief, reported unfavorably to said Memorial, and prayed to be discharged from any further consideration on said subject.

On motion, said committee was discharged.

The same member in behalf of the same committee, to whom was referred the Memorial of A. C. Hinton, a citizen of New-Orleans, praying for some relief, submitted the following Report:

The committee to whom was referred the petition of A. C. Hinton, a citizen of New-Orleans, praying for some relief, and memorializing the Legislature for the payment of a negro he alledges he purchased at Sheriff sale at the suit of the State of Louisiana vs. the New Orleans and Nashville Railroad Company and prays leave to submit the following report thereon:

It appears from the evidence submitted to the committee that the petitioner bought a slave named Peter at Sheriff sale on the 20th of August, 1842, on 1, 2 and 3 years credit at the suit of the State of Louisiana vs. the New Orleans and Nashville Railroad Company; the bill of sale as given by the Sheriff appears to be in the ordinary form and of course, carries with it an implied warranties from all the vices and maladies prescribed by law. If the petitioner has any just grounds to claim relief at the hands of the Legislature, he ought but his remedy in Courts of Justice, and this remark applies with still greater force when we consider that none of the notes given by the petitioner have yet become due; therefore the committee report unfavorably and beg leave to be discharged from any further consideration of said petition.

CYRUS RATLIFF,
Chairman of Committee on Claims.

On motion, said committee was discharged.

The same member, in behalf of the same committee, to whom was referred the petition of David Fowler, praying for some relief, reported unfavorably on said petition, and prayed to be discharged from any further consideration of said petition.

On motion, said committee was discharged.

The same member, in behalf of the same committee, to whom was referred the petition of David Fowler, praying for some relief, reported unfavorably on said petition, and prayed to be discharged from any further consideration of said petition.

On motion, said committee was discharged.

The same member, in behalf of the same committee, to whom was referred the petition of Jas. Bowman, praying for some relief—reported by a bill, entitled:

An act for the relief of A. C. Hinton, a citizen of the Republic of Texas.

Which was read for the first time, and ordered for a second reading on to-morrow.

Mr. Claiborne, in behalf of a Select Committee, to whom was referred the bill entitled:

An act to amend an act, entitled An act to incorporate the Faculty of the Medical College of Louisiana, and the Medical College of Orleans;

Reported the same with amendments.

Mr. Hutson gave notice that he will shortly introduce a bill entitled:

An act for the relief of the Merchants Exchange Company.

Mr. Fortson, having obtained the dispensation of the rules, introduced, without previous notice, the bill entitled:

An act to provide for assessing the taxes of the State;

Which was read for the first time, and, on motion, referred to a special committee of five members.

The Speaker appointed Messrs. Fortson, Briant, Allen, Hunt and Brewer, on said committee.

Mr. Clark, agreeably to previous notice, introduced the bill entitled:

An act for the relief of R. B. Brashear;

Which was read for the first time, and ordered for a second reading on to-morrow.

Mr. Prescott, agreeably to previous notice, introduced the following bills, entitled:

An act to improve the navigation of Bayou Bœuf, and providing for the maintenance of the same;

Which was read for the first time, and ordered for a second reading on to-morrow.

Mr. Culbertson, agreeably to previous notice, introduced the following bills, entitled:

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